UNITED STATES DISTRICT COURT, ERKS OFFICE DISTRICT OF MASSACHUSETTS

7005 FEB 22 P 3: UL CIVIL ACTION NO. 04-11958-RGS

U.S. DISTRICT COURT DISTRICT OF MASS

MARTIN J. GALVIN, JR., ED.D.,

Plaintiff,

VS.

THE TOWN OF YARMOUTH, PETER L. CARNES AND STEVEN XIARHOS,

Defendants.

PLAINTIFF'S CERTIFICATION PURSUANT TO LR 16.1(D)(3)

Pursuant to Local Rule 16.1(D)(3), the Plaintiff, Martin J. Galvin, Jr., Ed.D., and his Counsel, hereby certify that they have conferred with a view toward establishing a budget for the costs of conducting the full course—and various alternative courses—of this litigation; and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

alvin.

Keegan, Worlin & Pabian, LLP 265 Franklin Street

Boston, MA 02110-3113

Matthew P. Zayotti, BBOII

(617) 951-1400

Dated: February / 2005

I hereby certify that a true copy of the above document was served upon the attorney of record for each party